



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

FEB 22 2001

400 Seventh St., S.W.
Washington, D.C. 20590

Ref. No. 01-0012

Mr. Mark U. DuBois
Reichhold
P.O. Box 13582
Research Triangle Park, NC 27709-3582

Dear Mr. DuBois:

This is in response to your letter requesting clarification regarding the materials of trade (MOTs) exception under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

Q1. May sales and technical staff transport samples of hazardous materials under § 173.6 from our customers' facilities to one of our facilities for analysis?

A1. Yes, provided all provisions in § 173.6 are met.

Q2. May sales and technical staff transport samples of hazardous materials under § 173.6 from one of our facilities to our customers' facilities to obtain customer interest or to conduct a trial run of the product on the customers' equipment?

A2. Yes, provided all provisions in § 173.6 are met.

Q3. May sales and technical staff deliver purchased hazardous materials to customers?

A.3. If your sales and technical staff routinely transports and delivers products to customers, they may not take advantage of the MOTs exception. The MOTs exception is intended to provide relief to persons who transport hazardous materials in "direct support of their business" and not to companies that deliver their products as part of their service.



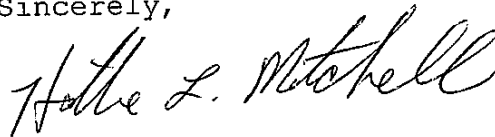
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Q4. What is meant by "common name" in § 173.6(c)(1)?

A4. "Common name" means a familiar description that is widely recognized for its hazard, such as, gas, spray paint or gasoline.

I hope this information is helpful. Please contact us if you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards

REICHHOLD

Corporate Headquarters
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McIntyre

§ 171.8

§ 173.6 (c)(1)

Applicability & Definition

January 5, 2001

01-0012

U.S. Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards
400 Seventh Street, S.W.
Washington, D.C. 20590

ATTN: Mr. Ed Mazzullo

Dear Mr. Mazzullo:

This letter is a follow-up to a phone conversation I had had with a member of your staff concerning compliance with the Materials of Trade exception covered under 49 CFR, Section 171.8. Assuming that all of the requirements covered under Section 173.6 have been met, would the following activities meet the definition requirements of the Materials of Trade under Section 171.8?

1 (1-A member of our sales or technical force picking up samples of our company's products (meeting the definition of a hazardous material) at a customer's site and transporting them by vehicle to either our manufacturing sites or to our Research and Development facility for analysis.

2 (2-A member of our sales or technical force picking up samples of our company's products (meeting the definition of hazardous material) at our manufacturing sites and transporting them by vehicle to a customer's site. The purpose of this transaction is to obtain customer interest and acceptance of the product.

3 (3- A member of our sales or technical force picking up small quantities of our company's product (meeting the definition of a hazardous material) from our manufacturing sites and transporting them by vehicle to the customer's site for the purposes of conducting a trial run of the product on the customer's equipment.

4 (4-A member of our sales or technical force picking up small quantities of our company's commercial product (meeting the definition of a hazardous material) from our manufacturing sites, which have been ordered for purchase by the customer, and transporting them by vehicle to the customer's site. The purpose in this transaction is for expediency of delivery.

4 (I would also like to obtain further clarification of what is meant by "common name" as indicated in subparagraph 173.6(c)(1). Would this include, but not be limited to, trade names, chemical names (i.e. styrene or ethenylbenzene) or, generic chemical names (i.e. amine, solvent, epoxy resin)?

Your assistance in this matter is greatly appreciated.

Sincerely,

Mark U. DuBois

Mark U. DuBois
Senior Chemical Regulatory Analyst

*Outside common name
makes up product however,
this definition of
common names to customers.*